



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGDONER CARR
ATTORNEY GENERAL**

October 2, 1963

Honorable Coke R. Stevenson, Jr.
Administrator
Texas Liquor Control Board
Sam Houston State Office Bldg.
Austin 11, Texas

Opinion No. C-150

Re: Whether employees who are put in one of the special S-2 or S-1 rates on September 1, 1963, may be subsequently raised to Step 1 of the classification salary schedule of H.B. 86 as their experience and performance warrants.

Dear Mr. Stevenson:

You have requested our interpretation of House Bill 86, the Appropriation Bill for the current biennium pertaining to the following situation:

"On September 1, 1963 certain employees received a change in group classification. Those employees have been put in the special S-2 rate of the new salary group. Our question is, 'May employees who are put in one of the special S-2 or S-1 rates on September 1, 1963 be subsequently raised to step 1 of the classification salary schedule of H.B. 86 as their experience and performance warrants it?'"

In our recent opinion of August 8, 1963, Attorney General's Opinion No. C-123, we interpreted the section involved here, to-wit: Section 1B of House Bill 86, pertaining to the special "S" rates. In that opinion we held that the hiring policies set forth in Section 1B applied equally to both those employees hired on and after September 1, 1963, and those who were employed prior to that date. Further, it was held that the merit salary increases provisions did not apply as regards raises up to and including Step 1. We further held that the determination of

when an employee's experience and performance warranted a raise from special "S-2" to "S-1" and "S-1" to Step 1 is within the discretion of the individual department.

Therefore, employees who are put in any of the special "S" rates need not be frozen there and may be raised, at the discretion of the Department, to Step 1 of the classification salary schedule of House Bill 86 as their experience and performance warrant.

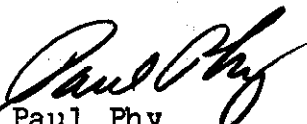
S U M M A R Y

Employees put in one of the special "S" rates on September 1, 1963, may subsequently be raised to Step 1 of the designated salary range as the employees' experience and performance may warrant.

Yours very truly,

WAGGONER CARR
Attorney General

By


Paul Phy
Assistant

PP:ms

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman
Robert Lewis
J. S. Bracewell
Ernest Fortenberry
John Reeves

APPROVED FOR THE ATTORNEY GENERAL
By: Stanton Stone